



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

ERNEST Y. MARTIN
CHAIR & PRESIDING OFFICER
KYMBERLY MARCOS PINE
VICE CHAIR
CAROL FUKUNAGA
FLOOR LEADER
IKAICA ANDERSON
BRANDON J. C. ELEFANTE
ANN H. KOBAYASHI
JOEY MANAHAN
RON MENOR
TREVOR OZAWA

JOURNAL

REGULAR MEETING
23RD SESSION
WEDNESDAY, JUNE 6, 2018

CITY COUNCIL CHAMBER
3RD FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

Pursuant to adjournment, the regular meeting of the City Council was called to order by the Chair and Presiding Officer, Ernest Y. Martin, at 11:10 a.m.

ROLL CALL

Roll call showed the following Councilmembers present:

Councilmembers Anderson, Elefante, Fukunaga, Kobayashi, Manahan, Menor, Ozawa, Pine, Martin - 9.

INTRODUCTION OF GUESTS

Council Chair Martin introduced Josephine Krueger, Isabella Hawes, and Maxton Molzhon who authored Resolution 18-118. He noted that he signed the Resolution at the request of these students who worked hard to craft the Resolution.

APPROVAL OF MINUTES

Councilmember Pine moved that the Minutes of the 22nd Session (May 9, 2018) be approved, subject to corrections by Councilmembers within 30 days. Seconded by Councilmember Fukunaga.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

ORDER OF THE DAY

ENTER INTO THE COUNCIL JOURNAL **MAYOR'S MESSAGE 71**

May 18, 2018 – From Mayor Kirk Caldwell, returning vetoed Bill 82 (2017), CD1, FD1, relating to Chinatown, Honolulu.

Councilmember Elefante noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-156).

The Council Chair entered Mayor's Message 71 into the Council's Journal.

There was no public testimony.

PUBLIC HEARING/RESOLUTION **RESOLUTION 18-96**

RESOLUTION RELATING TO THE APPOINTMENT OF MR. CRAIG S. NAGAMINE TO SERVE ON THE FIRE COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

The following individual testified:

Craig Nagamine (General comment)

Chair Martin referred Resolution 18-96 to the Committee on Public Health, Safety and Welfare for further consideration.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communications:

M-292 Early testimony on Resolution 18-96

M-303 Additional testimony on Resolution 18-96

ADOPTION

RESOLUTION 18-88 – COMMITTEE REPORT 199

RESOLUTION RELATING TO THE REAPPOINTMENT OF MR. DUANE R. MIYASHIRO TO SERVE ON THE LIQUOR COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Ozawa moved that Committee Report 199 and Resolution 18-88 be adopted. Seconded by Councilmember Kobayashi.

The following individual testified:

Ernest Lau, Board of Water Supply (D-330) (Support)

Committee Report 199 and Resolution 18-88 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

Chair Martin recognized and congratulated Mr. Miyashiro.

ADOPTION

RESOLUTION 18-87, CD1 – COMMITTEE REPORT 204

RESOLUTION RELATING TO THE APPOINTMENT OF DENNIS MORTON TO SERVE ON THE FIRE COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Councilmember Elefante moved that Committee Report 204 and Resolution 18-87, as amended to CD1 be adopted. Seconded by Councilmember Menor.

There was no public testimony.

Committee Report 199 and Resolution 18-87, CD1 as amended were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

PUBLIC HEARING/SECOND READING

BILL 61 (2017) – COMMITTEE REPORT 194

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAXATION.

Councilmember Ozawa moved that Committee Report 194 be adopted and Bill 61 (2017) pass second reading. Seconded by Councilmember Kobayashi.

The following individual testified:

Choon James (General comment)

Councilmember Elefante noted he shares the concerns of the Department of Budget and Fiscal Services (D-306). He stated he will support the measure with reservations.

Committee Report 194 was adopted and Bill 61 (2017) passed second reading.

AYES: ANDERSON, ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN,
 MENOR, OZAWA, PINE, MARTIN – 9.

NOES: None.

*Councilmember Elefante voted aye with reservations.

PUBLIC HEARING/SECOND READING
BILL 91 (2017), CD1 – COMMITTEE REPORT 195

A BILL FOR AN ORDINANCE RELATING TO REAL PROPERTY TAXES.

Councilmember Ozawa moved that Committee Report 195 be adopted and Bill 91 (2017) pass second reading, as amended to CD1. Seconded by Councilmember Kobayashi.

The following individuals testified:

1. Maui Quizon, Hawaii National Guard Enlisted Association (M-293) (Support)
2. Choon James (Support)

In response to Councilmember Elefante, Nelson Koyanagi, Director, Department of Budget and Fiscal Services stated that he does not know the fiscal impact the measure would have on City revenues, a concern that he expressed in Committee.

Councilmember Elefante expressed his appreciation to the men and women who serve in the United States Armed Forces. He stated he has concerns regarding possible fiscal impacts and would support the measure with reservations.

Councilmember Ozawa stated he looks forward to working with Councilmember Elefante and other councilmembers to move the measure forward.

Committee Report 195 was adopted and Bill 91 (2017), CD1 passed second reading, as amended.

AYES: ANDERSON, ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN,
 MENOR, OZAWA, PINE, MARTIN – 9.

NOES: None.

*Councilmember Elefante voted aye with reservations.

Related communications:

M-293 Early testimony on Bill 91 (2017), CD1

M-304 Additional testimony on Bill 91 (2017), CD1

PUBLIC HEARING/SECOND READING
BILL 38 – COMMITTEE REPORT 198

A BILL FOR AN ORDINANCE RELATING TO INDUSTRIAL LANDS.

Councilmember Ozawa moved that Committee Report 198 be adopted and Bill 38 pass second reading. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 198 was adopted and Bill 38 passed second reading.

AYES: ANDERSON, ELEFANTE*, FUKUNAGA, KOBAYASHI, MANAHAN,
 MENOR, OZAWA, PINE, MARTIN – 9.

NOES: None.

*Councilmember Elefante voted aye with reservations.

Related communication:

M-294 Early testimony on Bill 38

PUBLIC HEARING/SECOND READING
BILL 26 – COMMITTEE REPORT 180

A BILL FOR AN ORDINANCE TO REZONE LAND SITUATED AT KANEOHE, OAHU, HAWAII.

Councilmember Pine moved that Committee Report 180 be adopted and Bill 26 pass second reading. Seconded by Councilmember Ozawa.

The following individual testified:

Richard Maruya (Support)

Committee Report 180 was adopted and Bill 26 passed second reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

PUBLIC HEARING/SECOND READING
BILL 8, CD1 – COMMITTEE REPORT 209

A BILL FOR AN ORDINANCE RELATING TO BUSES.

Councilmember Manahan moved that Committee Report 209 be adopted and Bill 8 pass second reading, as amended to CD1. Seconded by Councilmember Pine.

There was no public testimony.

Committee Report 209 was adopted and Bill 8, CD1 passed second reading, as amended.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

THIRD READING

BILL 13 – COMMITTEE REPORT 206

A BILL FOR AN ORDINANCE RELATING TO PLANNED DEVELOPMENT-RESORT AND PLANNED DEVELOPMENT-APARTMENT PROJECTS.

Councilmember Pine moved that Committee Report 206 be adopted and Bill 13 pass third reading. Seconded by Councilmember Ozawa.

The following individuals testified:

1. Jonathan H. Fuisz, Park Hotels & Resorts Inc. (M-295) (Support)
2. Gerald C. Gibson, Hilton (M-295) (Support)

Councilmembers Elefante (CC-188) and Fukunaga (CC-192) noted for the record that they filed Disclosures of Interest with the City Clerk's Office.

Committee Report 206 was adopted and Bill 13 passed third reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

THIRD READING

BILL 14, CD2, FD1 – COMMITTEE REPORT 182

A BILL FOR AN ORDINANCE RELATING TO THE LEGISLATIVE BUDGET FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019.

The following amendments were posted on the agenda:

Bill 14, CD2, Proposed FD1 (OCS2018-0552/5/30/2018 10:05 AM)

(Note: The above amendment was not considered)

Bill 14, CD2, Proposed FD1 (OCS2018-0555/5/30/2018 4:06 PM)

Councilmember Ozawa moved that Committee Report 182 be adopted and Bill 14, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Kobayashi.

Councilmember Anderson moved that the Bill be amended to FD1 (OCS2018-0555/5/30/2018 4:06 PM). Seconded by Councilmember Kobayashi. The FD1 makes the following amendments:

- A. Appropriates \$20,549,267 for the Legislative Budget for Fiscal Year 2019.
- B. Makes various substantive changes, which are noted in bold text in the Amendment List contained within the bill (see Amendment List 1).
- C. Makes various technical and nonsubstantive amendments.

The following individual testified:

Natalie Iwasa (General comment)

Councilmember Manahan noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-175).

Bill 14, CD2 was amended to FD1 (OCS2018-0555/5/30/2018 4:06 PM).

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.
NOES: None.

Committee Report 182 was adopted and Bill 14, CD2, FD1 passed third reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.
NOES: None.

THIRD READING

BILL 15, CD2, FD1 – COMMITTEE REPORT 183

A BILL FOR AN ORDINANCE RELATING TO THE EXECUTIVE OPERATING BUDGET AND PROGRAM FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019.

The following amendment was posted on the agenda:

Bill 15, CD2, Proposed FD1

Councilmember Ozawa moved that Committee Report 183 be adopted and Bill 15, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Kobayashi.

Councilmember Ozawa moved that the Bill be amended to FD1. Seconded by Councilmember Kobayashi. The FD1 makes the following amendments:

- A. Appropriates \$2,610,588,265 for the Executive Operating Budget and Program for Fiscal Year 2019.
- B. Makes various substantive changes, which are noted in **bold text** in the Amendment List contained within the bill (see Amendment List 1, Amendment List 5, Amendment List 13, Amendment 15, Amendment List 28, and Amendment List 29).
- C. Makes various technical and nonsubstantive amendments.

The following individuals testified:

- 1. Allison Gammel, Hawaiian Humane Society (Support)
- 2. Josh Atwood, Department of Land and Natural Resources (M-305) (Oppose)

In response to Councilmember Ozawa, Mr. Atwood stated he recognizes that this a difficult problem and would like to help find a solution that would work for everyone. He does not believe that a spay-neuter program for free-roaming animals would reduce the number of cats, and euthanasia should be the last resort.

- 3. Bob Kern, Hanauma Bay (General comment)
- 4. Natalie Iwasa (General comment)

Councilmember Elefante thanked the Committee on Budget for its hard work. He expressed concerns that TheBus and TheHandi-Vans operations are not funded as well as sewer projects that have consent decree deadlines. He noted his appreciation for non-profits but stated that the Honolulu City Grant-in-Aids Commission should live within their budget as core functions are in need of funds.

Councilmember Kobayashi thanked Budget Chair Trevor Ozawa who worked hard on the budget to make the necessary cuts so that the City would not have to impose trash fees on residents.

Councilmember Ozawa thanked everyone for their hard work on the budget process. He noted that the budget initially started off with nearly \$44 million worth of cuts. A better

solution was found and with most projects restored, the Council is relying on the Mayor and his Administration to provide core services.

Councilmembers Manahan (CC-175) and Menor (CC-191) noted for the record that they filed Disclosures of Interest with the City Clerk's Office.

Bill 15, CD2 was amended to FD1.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Committee Report 183 was adopted and Bill 15, CD2, FD1 passed third reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communications:

D-331 Hawai'i Kai Neighborhood Board
M-296 Early testimony on Bill 15, CD2
M-305 Additional testimony on Bill 15, CD2

THIRD READING

BILL 16, CD2, FD1 – COMMITTEE REPORT 196

A BILL FOR AN ORDINANCE RELATING TO THE EXECUTIVE CAPITAL BUDGET AND PROGRAM FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019.

The following amendment was posted on the agenda:

Bill 16, CD2, Proposed FD1

Councilmember Ozawa moved that Committee Report 196 be adopted and Bill 16, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Kobayashi.

Councilmember Ozawa moved that the Bill be amended to FD1. Seconded by Councilmember Kobayashi. The FD1 makes the following amendments:

- A. Appropriates \$1,009,774,313 for the Executive Capital Budget and Program for Fiscal Year 2019.
- B. Makes various substantive changes, which are noted in **bold text** in the Amendment List contained within the bill (see Amendment List 3, Amendment List 6, and Amendment List 7).
- C. Makes various technical and nonsubstantive amendments.

The following individuals testified:

- 1. Bruce Lum, Malama Moana (M-297) (Support)
- 2. Brad Frye (M-297) (Support)
- 3. Diane Choy Fujimura (M-297) (General comment)
- 4. Sharlene Chun Lum (M-297) (Support)
- 5. Elliott Latimer, Raintree Bakery Coffeehouse (M-306) (Oppose)
- 6. Audrey Lee, Malama Moana (M-306) (Support)
- 7. Barbara Armentrout (General comment)
- 8. Natalie Iwasa (General comment)

Councilmember Ozawa thanked councilmembers and their staff for their hard work on the budget. He noted that projects must be authorized by the Administration before funds are encumbered.

Chair Martin thanked councilmembers who responded to their constituents regarding Ala Moana Beach Park. He noted that there are many great parks in each council district.

Councilmember Manahan noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-175).

Bill 16, CD2 was amended to FD1.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

Committee Report 196 was adopted and Bill 16, CD2, FD1 passed third reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communications:

D-345 Kalihi Valley Neighborhood Board
D-346 Ala Moana-Kakaako Neighborhood Board No. 11
M-297 Early testimony on Bill 16, CD2
M-306 Additional testimony on Bill 16, CD2

THIRD READING

BILL 17 – COMMITTEE REPORT 184

A BILL FOR AN ORDINANCE RELATING TO THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS AND BOND ANTICIPATION NOTES OF THE CITY AND COUNTY OF HONOLULU IN A MAXIMUM PRINCIPAL AMOUNT EQUAL TO THE AGGREGATE OF THE AMOUNTS APPROPRIATED IN THE CAPITAL BUDGET ORDINANCE OF SAID CITY AND COUNTY FOR THE FISCAL YEAR ENDING JUNE 30, 2019, AND SPECIFIED IN SAID ORDINANCE TO BE FINANCED FROM THE PROCEEDS OF THE SALE OF SUCH BONDS AND TO BE EXPENDED FROM THE GENERAL IMPROVEMENT BOND FUND, THE HIGHWAY IMPROVEMENT BOND FUND, SOLID WASTE IMPROVEMENT BOND FUND, OR THE HOUSING DEVELOPMENT SPECIAL FUND.

Councilmember Ozawa moved that Committee Report 184 be adopted and Bill 17 pass third reading. Seconded by Councilmember Kobayashi.

There was no public testimony.

Councilmember Manahan noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-175).

Committee Report 184 was adopted and Bill 17 passed third reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

THIRD READING

BILL 18, CD1 – COMMITTEE REPORT 185

A BILL FOR AN ORDINANCE RELATING TO FEES FOR CERTAIN PERMITS AND SERVICES ADMINISTERED BY THE DEPARTMENT OF PLANNING AND PERMITTING.

Councilmember Ozawa moved that Committee Report 185 be adopted and Bill 18 pass third reading, as amended to CD1. Seconded by Councilmember Kobayashi.

There was no public testimony.

In response to councilmembers, Timothy Hiu, Deputy Director, Department of Planning and Permitting (DPP) stated that the Department has milestones and benchmarks that they try to maintain and achieve. The DPP Administrative rules establish minimum plan review times. The total permit processing time is related to the responsiveness of the applicant and the quality of the applications.

Councilmember Elefante thanked those who contacted his office and shared their concerns with respect to the fees. He stated that he will support the measure and DPP's efforts to streamline the permit process.

Committee Report 185 was adopted and Bill 18, CD1 passed third reading, as amended.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

M-298 Early testimony on Bill 18, CD1

ADOPTION

RESOLUTION 18-62 – COMMITTEE REPORT 189

RESOLUTION DETERMINING THE REAL PROPERTY TAX RATES FOR THE CITY AND COUNTY OF HONOLULU FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019.

Councilmember Ozawa moved that Committee Report 189 and Resolution 18-62 be adopted. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 189 and Resolution 18-62 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

THIRD READING

BILL 21, CD2 – COMMITTEE REPORT 186

A BILL FOR AN ORDINANCE RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION OPERATING BUDGET FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019.

Councilmember Ozawa moved that Committee Report 186 be adopted and Bill 21, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Kobayashi.

The following individual testified:

Natalie Iwasa (General comment)

Councilmember Ozawa stated for the record that the Honolulu Authority for Rapid Transportation (HART) budget was reduced by almost \$17 million, and some of that money was moved over to the capital budget because of Act 1.

Committee Report 186 was adopted and Bill 21, CD2 passed third reading, as amended.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

THIRD READING

BILL 22, CD2 – COMMITTEE REPORT 187

A BILL FOR AN ORDINANCE RELATING TO THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION CAPITAL BUDGET FOR THE FISCAL YEAR JULY 1, 2018 TO JUNE 30, 2019.

The following amendment was posted on the agenda:

Bill 22, CD2, Proposed FD1

Councilmember Ozawa moved that Committee Report 187 be adopted and Bill 22, CD1 pass third reading, as amended to CD2. Seconded by Councilmember Kobayashi.

Councilmember Ozawa moved that the Bill be amended to FD1. Seconded by Councilmember Kobayashi. The FD1 makes the following amendments:

- A. Appropriates \$1,773,831,941 for the Honolulu Authority for Rapid Transportation Capital Budget for Fiscal Year 2019.
- B. Makes various substantive changes, which are noted in **bold text** in the Amendment List contained within the bill.
- C. Makes various technical and nonsubstantive amendments.

The following individuals testified:

- 1. George L. Berish (M-307) (Oppose)
- 2. Barbara Armentrout (General comment)
- 3. Natalie Iwasa (Oppose)
- 4. Renee Ing (Oppose)

In response to councilmembers, Andrew Robbins, Executive Director, and Michael McGrane, Honolulu Authority for Rapid Transportation (HART) stated that:

- The Federal Transit Administration (FTA) has indicated that inserting the \$44 million into the capital budget meets their objective of ensuring the allocation and commitment of City revenues as part of HART's Recovery Plan.
- HART has reserve resources to pay for 2019 administrative costs.
- HART does not currently need the funds and needs to verify whether the FTA is requiring the City to issue the bonds. If the FTA indicates that it wants the City to float the bonds, the funds would be used for expenditures not covered by the General Excise (GET) and Transit Accommodations Tax monies. Before any bonds are issued, HART would need the approval of the HART Board and the City Council.
- HART is not aware of the legal concerns that have been expressed regarding the efficacy and legal validity of the provision authorizing the City to utilize City revenues to cover the debt service for the \$44 million appropriation.
- HART always anticipated cash flow issues in terms of the money coming in and outflows, so HART budgeted for debt service. HART currently has \$100 million in Tax-Exempt Commercial Paper (TECP) outstanding. When HART re-issues permanent funding with the next bond issue, the balance of the TECP will be eliminated and revenues will be used to cover the interest and principal of the debt service.

In response to councilmembers, Lloyd Yoshioka, Office of Council Services (OCS) stated that:

- Bill 42 (2017) has not yet passed second reading. The Bill could be amended to authorize the use of City money for one year.
- Ordinance 07-01 limited the funding sources that could be used to pay for the rail project to State, Federal, and private monies; therefore, City money cannot be used to pay for the rail project. Bill 42 inserts the word "City" as one of the allowable funding sources for the rail project. If Bill 42 passes, City money could be used to pay debt service for the General Obligation (GO) bonds issued for HART. Bill 42 contains no conditions regarding the use of City money.

- It would be preferable for everything to be in place at the time the budget is approved because under the City Charter, the Council must pass all revenues sufficient to pay for the expenditures in the City budget. One of the measures that should be passed in regard to revenues is the proviso which waives Ordinance 07-01 in order to allow the use of City funds to pay debt service for the GO bonds issued by HART.
- It would be legally sufficient for the Council to approve Bill 42 prior to adoption of the resolution approving the sale of the GO bonds for the rail project.
- The proviso is legally sound and limits the amount of City monies that can be used for the rail project. The proviso would be for the funds in the capital budget, so it would run for two years. In the event that the \$44 million in bonds is issued within the next two years of the capital budget, City monies could be used to pay for the debt service of the bonds that are issued. The debt service would continue through the 25-year life of the bond.

In response to councilmembers, Donna Leong, Corporation Counsel, Department of the Corporation Counsel (COR) stated that:

- In order to achieve a balanced budget, Bill 23 is required to fund the capital improvements that are appropriated under Bill 22. It appears that the sole purpose of the proviso in Bill 22 is to address the prohibition in Ordinance 07-001 against the use of City funds to cover HART expenses. Given the scope and significance of the proviso, the preference would be to further consider Bill 42 (2017) in order to amend Ordinance 07-001.
- The COR has several legal concerns with regard to the HART bills, specifically the proviso, and recommends that Bill 42 be heard rather than the proviso.
- Under the Charter, the Council is required to pass the budget bills by June 15. The Council Chair and members would have to determine whether there is sufficient time to defer the budget bills, and then consider Bill 42 (20176) and the budget bills.
- The capital budget is in effect for two years.

In response to councilmembers, Roy Amemiya, Managing Director stated that:

- The Mayor and the Administration have consistently opposed the use of real property taxes for the rail project and pushed for a one-year extension of the GET tax. Passing Bill 42 (2017) with restrictions would be the prudent thing to do.
- The Administration's solution to cover the shortfall was to include the \$44 million in the Administration's capital budget and to push for the passage of Bill 42 (2017) in order to allow the use of City revenues to pay for construction of rail.
- By placing the \$44 million in the HART budget, the City Administration would lose oversight and control over the use of the funds.
- While the proviso may work, it is not the same as an ordinance that goes through three readings, a public hearing, and is vetted by the community.
- Regardless of whether the proviso or Bill 42 (2017) prevails, it should be made clear to the public that real property taxes will be used to pay for the debt service for the \$44 million unless HART utilizes reserve funds from prior years.

Councilmember Ozawa explained that the proviso language was a means of preventing unbridled access to real property taxes to pay for the construction of rail. He noted that putting the \$44 million in HART's capital budget provides transparency and protects core services and projects.

In response to Councilmember Anderson, Nelson Koyanagi, Director, Department of Budget and Fiscal Services (BFS) stated that the proviso states City revenues, so the source of money could be real property taxes or other City revenues that are not restricted for any other purpose.

Bill 22, CD2 amended to FD1.

AYES: FUKUNAGA, KOBAYASHI, OZAWA, PINE, MARTIN – 5.
NOES: ANDERSON, ELEFANTE, MANAHAN, MENOR – 4.

Councilmember Anderson stated that he could not support the budget going forward and would be voting in opposition to Bill 22, CD2, FD1. He noted that he never committed to supporting Bill 42 (2017) on final reading. He reiterated that if the Council is going to consider the possibility of tapping real property taxes to pay for Honolulu's rail system, there should be open, honest and long discussions with the taxpayers, with a vote up or down on Bill 42 (2017), and not a proviso in the budget.

Councilmember Menor spoke in opposition to Bill 22, CD2, FD1. He stated that he has consistently taken the position that it is important for the Council to pass legislation that will specifically enable and authorize the use of City revenues to cover the \$44 million in capital costs, a condition for the FTA's approval of HART's Recovery Plan, and the proviso would not accomplish that objective given the legal concerns raised by the COR.

Councilmember Elefante stated that while he supports the rail project, he shares the same concerns raised by Councilmembers Anderson and Menor with respect to the proviso. He noted his preference to have a discussion on Bill 42 (2017) with respect to funding for rail.

Councilmember Manahan spoke in strong opposition to Bill 22, CD2, FD1. In addition to sharing the same concerns as Councilmembers Anderson, Menor and Elefante, he noted the concerns raised by the Administration regarding the lack of oversight, transparency and control over the \$44 million appropriation.

Councilmember Ozawa noted for the record his strong opposition to using real property taxes for the construction of rail. He expressed his willingness to consider Bill 42 (2017) with an amendment restricting the use of City funds.

RECESS/RECONVENE

At 1:32 p.m., the Chair called for a recess as noted on the agenda. With 8 members present (Excused: Manahan – 1), the Chair reconvened the meeting at 2:31 p.m.

Pursuant to Council Rule 18.A, Councilmember Ozawa moved to reconsider the motion to amend Bill 22, CD2 to FD1. Seconded by Councilmember Kobayashi.

Motion to reconsider amending Bill 22, CD2 to FD1.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MENOR, OZAWA,
 PINE, MARTIN – 8.

NOES: None.

ABSENT: MANAHAN – 1.

With the approval to reconsider, Chair Martin noted that the current motion on the floor was to amend Bill 22, CD2 to FD1.

Bill 22, CD2 failed to be amended to FD1.

AYES: None.

NOES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

Chair Martin noted that the current motion on the floor was to adopt Committee Report 187 and pass Bill 22, CD2 on third reading.

Councilmember Ozawa expressed concern that the City stands to lose \$750 million in Federal grant money. He noted that the FTA has made it clear that it wants the City to budget and float bonds to cover the \$214 million shortfall. He expressed the hope that the FTA will change its requirement given that HART's administrative costs and operating budget have been reduced by \$17 million. He noted for the record that Council approval is required to issue future bonds.

Councilmember Manahan spoke in opposition to Bill 22, CD2. He noted that the best option would have been to keep the appropriation in the City's capital budget to maintain transparency, control and oversight over the \$44 million.

Chair Martin expressed appreciation for the Budget Chair's willingness to heed the concerns raised by councilmembers. He noted that the FTA has not been very definitive in what it requires from the City—initially just the mere appropriation was sufficient, and now the FTA has indicated it wants the City to actually float the bonds. With respect to the issue of transparency, he concurred with the Budget Chair that whether it is in the capital improvement program of the Executive Branch or HART's capital budget, Council approval would be required to float the bonds.

Committee Report 187 was adopted and Bill 22, CD2, passed third reading, as amended.

AYES: ANDERSON*, ELEFANTE, FUKUNAGA, KOBAYASHI, MENOR*, OZAWA,
PINE, MARTIN – 8.

NOES: MANAHAN – 1.

*Councilmembers Anderson and Menor voted aye with reservations.

Related communication:

M-307 Additional testimony on Bill 22, CD2

THIRD READING

BILL 23, CD1 – COMMITTEE REPORT 188

A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS AND BOND ANTICIPATION NOTES OF THE CITY AND COUNTY OF HONOLULU IN A MAXIMUM PRINCIPAL AMOUNT EQUAL TO THE AGGREGATE OF THE AMOUNTS APPROPRIATED FOR THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION CAPITAL BUDGET PROJECTS IN THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION CAPITAL BUDGET AND PROGRAM ORDINANCE FOR THE FISCAL YEAR ENDING JUNE 30, 2019, AND SPECIFIED IN SAID ORDINANCE TO BE FINANCED FROM THE PROCEEDS OF THE SALE OF SUCH BONDS AND TO BE EXPENDED FROM THE TRANSIT IMPROVEMENT BOND FUND OR THE GENERAL IMPROVEMENT BOND FUND.

Councilmember Ozawa moved that Committee Report 188 be adopted and Bill 23 pass third reading, as amended to CD1. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 188 was adopted and Bill 23, CD1 passed third reading, as amended.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, MANAHAN*, MENOR, OZAWA,
 PINE, MARTIN – 8.

NOES: KOBAYASHI – 1.

*Councilmember Manahan voted aye with reservations.

THIRD READING

BILL 35, CD1, FD1 – COMMITTEE REPORT 197

A BILL FOR AN ORDINANCE RELATING TO PRIVATE TRANSPORTATION COMPANIES, VEHICLES, AND DRIVERS.

The following amendment posted on the agenda was not considered:

Bill 35, CD1, Proposed FD1

The following amendment was handcarried to the meeting:

Bill 35, CD1, Proposed FD1 (OCS2018-0564/6/4/2018 4:17 PM)

Councilmember Ozawa moved that Committee Report 197 be adopted and Bill 35 pass third reading, as amended to CD1. Seconded by Councilmember Kobayashi.

Councilmember Ozawa moved that the Bill be amended to the handcarried FD1 (OCS2018-0564/6/4/2018 4:17 PM). Seconded by Councilmember Kobayashi. The FD1 makes the following amendments:

- A. Deletes all portions of the bill that relate to the Director of Customer Services issuance of private transportation certification numbers. Specifically, this proposed FD1:
 - 1. Deletes SECTION 2 of the bill, which amended ROH Section 12-6.2 to require that the Director of Customer Services ("Director") include at minimum, in the database required by ROH Section 12-6.2, private transportation certification numbers issued by the Director;
 - 2. Deletes SECTION 3 of the bill, which amended ROH Section 12-6.5 to require that the Director issue private transportation company certification numbers and to require that private transportation companies keep a record of those numbers for a certain period of time;
 - 3. Further amends ROH Section 12-6.11 in former SECTION 5 of the bill by:
 - a. Deleting from subsection (a) the requirements that the trade dress, logo, or company identifier placed on the front and rear bumpers must be between 2 and 3 inches in height, and a minimum of 4 inches in width; visible from not less than 30 feet away; and composed of permanent adhesive vinyl that is nonglare and nonreflective.
 - b. Deleting subsection (b), which required private transportation companies to direct its drivers on the placement of the private transportation certification numbers issued by the Director with additional requirements; and
 - c. Renumbering the remaining subsection accordingly; and

4. Renumbers all SECTIONS after SECTION 1 of the bill accordingly, and moves current SECTION 4 to new SECTION 8 for consistency.
- B. Amends new ROH Section 12-6.A in renumbered SECTION 3 of the bill as follows:
1. In subsection (a), requires the Director to establish taximeter rates, in addition to the maximum fares and baggage charges that may be charged to passengers of private transportation companies and makes conforming amendments throughout the bill;
 2. Amends subsection (b)(4) by:
 - a. Deleting paragraph (B), which stated that ROH Section 12-6.A cannot be construed to preclude a transportation network company or driver from charging a passenger less than the fares and charges established pursuant to ROH Section 12-6.A; and
 - b. Adding a new paragraph (B) to state that ROH Section 12-6.A shall not be construed to preclude a taxicab driver, or taxicab company from charging a passenger in excess of the taximeter rate, provided that certain requirements are met; and
 3. Deletes subsection (b)(5), which specified that the fares for shared-ride taxicab service be established by tariff rather than the fares and charges established by ROH Section 12-6.A.
- C. Amends new ROH Section 12-6.B(a) in renumbered SECTION 3 of the bill by specifying that the taximeters in taxicabs must, among other things, be calibrated to charge not more than the current taximeter rate established by the Director pursuant to ROH Section 12-6.A.
- D. Revises new ROH Section 12-6.C in renumbered SECTION 3 of the bill by deleting the requirement that a transportation network company's digital network disclose to a person requesting a ride the rates and charges used in calculating the total fare or fare range, and any variables that may result in additional or higher charges (formerly subsection (1)).
- E. Makes miscellaneous technical and nonsubstantive amendments.

The following individuals testified:

1. Tyler Green (Oppose)
2. David Jung (M-299) (Support)
3. Chuck Wheatley (Oppose)
4. Kate Magno (M-299) (Oppose)
5. Haleigh Romero (M-299) (Oppose)
6. Jacquelyn Perreira (M-299) (Oppose)
7. Gary Tanimitsu (M-299) (Oppose)
8. Davin Aoyagi (M-299) (Oppose)
9. Warren F. Wegesend, Jr. (M-299) (Oppose)
10. Wes M. Sakamoto (M-308) (Oppose)
11. Mike Palmer (M-308) (Oppose)
12. Timothy Burr, Jr., Lyft (M-308) (Oppose)
13. Lisa Gonzales (M-308) (Oppose)

In response to Councilmember Pine, Ms. Gonzales stated that:

- She has been an Army spouse for 15 years.
- It is not okay to charge service members \$221 to get to Waikiki when a cab would cost \$45 for the same ride.
- Price surging is okay if the rider can afford it. Riders are informed of the price prior to accepting the ride.
- She does not have access to Uber's records.

14. Matt James (M-308) (Oppose)
15. Dave Moskowitz (Support)
16. Barbara Armentrout (Support)
17. Darwin Abenoja, The Cab (Support)
18. Debbie Buono, The Cab (Support)
19. Dale Evans, Charley's (Support)

In response to Councilmember Pine, Ms. Evans stated that:

- There were 1,800 cab drivers, and now there are less than 1,000.
- Cab drivers have families and bills to pay.
- Many drivers have been driven to poverty.
- Many drivers are immigrants and have trouble supporting their families.

- One driver committed suicide.

- 20. Yuki Uehara (Support)
- 21. Roanne Gatt (General comment)
- 22. Michael Johnson (Oppose)
- 23. Jason Higa (Oppose)
- 24. Lloyd Nishina (Support)
- 25. Sharon Ortiz (Oppose)
- 26. Lynda Kernaghan (Oppose)

In response to Councilmember Manahan, Ms. Kernaghan stated that:

- Her riders do not mind surge pricing and would pay surge prices over taxi fares.
- Riders always have the option of taking a taxi, Uber or Lyft.
- The problem is not the surge pricing, but putting a cap on the surge which provides an incentive for drivers.
- Riders are informed of the price up front.

- 27. Nathan Pascual (Oppose)
- 28. Raju Maharjan Shrestha (Support)
- 29. Jeannine Billand (Oppose)
- 30. Thomas Ashlock (Oppose)
- 31. Tabatha Chow, Uber (Oppose)

In response to councilmembers, Ms. Chow stated that:

- The Number 1 reason that a rider would choose not to use Uber again is if they cannot get a ride, not because of surge pricing. Reliability is of the utmost importance and surge plays a huge role in ensuring reliability.
- Riders know the cost up front and can choose to accept the ride or not.
- With regard to the \$300 charge, the gentlemen stated that his son was able to get home safely from an area not serviced by cabs.
- The \$221 charge was a premium price and the ride did not happen.

- The City regulator has had access to Uber's records for the past year.
- Councilmembers would be welcome at Uber's offices.
- Uber's main opposition is having the Director set a maximum price. A cap on pricing does not exist anywhere else in the country. Dynamic pricing is a fundamental part of Uber's business model to ensure reliability which is incredibly important to consumers.
- Uber believes that the best way to protect the consumer is through price transparency (offering the price up front) versus a price cap.
- Updating the taxi business model would allow them more flexibility with pricing rather having Uber and Lyft conform to an antiquated system that does not work with technology.
- During times of peak demands, to ensure reliability, you need more flexibility, and sometimes rates are 50 percent higher than the usual fare.
- Instead of a cap, as long as the rider can see exactly what they going to pay, they can decide whether to accept the ride.
- Whenever you have a price ceiling, consumers are worse off, especially with the wrong price ceiling or cap. A price cap would discourage drivers and reduce reliability. Eventually the prices would move toward that ceiling rather than where they currently are at 40 percent less. For example, instead of having a high price at 2 a.m., you will have higher prices all the time which is what you see with taxis.
- Uber informs riders of the rate and whether the rates are higher than normal. With taxis, the rider does not know the rate until reaching their destination.
- Uber entered the Honolulu market in late 2013.

32. Kaipo Monis, The Cab (Support)

In response to Councilmember Pine, Mr. Monis stated that Uber's upfront price is an estimation since charges begin once the consumer clicks on the app—a price breakdown shows pick up, base fare, long pick up fee, per minute to pick up, per mile to pick up, standard driver initiated cancellation fee, standard rider initiated

cancellation fee, per minute prior to cancellation, booking fee, minimum fare, per minute, per mile.

33. Robert Deluze, Robert's Taxi (Support)

Councilmember Elefante spoke in opposition to Bill 35, CD1 and the Handcarried FD1. He expressed continued concerns with the Bill, noting that the measure needs additional work and several issues have not been addressed.

Councilmember Anderson noted for the record that he filed a Disclosure of Interest with the City Clerk's Office (CC-193).

In response to councilmembers, Randy Leong, Deputy Director, Department of Customer Services (CSD), stated that:

- In 2013, the CSD was unable to determine whether Uber was a taxi service or not, and whether it fell under the jurisdiction of the State Public Utilities Commission or the Department, so there was no enforcement of taxicab rules and ordinances.
- The Department has not established rules, but has been enforcing transportation network company (TNC) ordinances passed in 2016.
- The Department submitted written testimony (D-332) in opposition to setting a maximum fare.
- Should the measure become law, CSD would work with the TNC industry to establish rules.
- It would be difficult for the CSD to determine a maximum TNC fare without guidelines or a benchmark to follow.
- Taxi meters that are calibrated by the State Measurement Standards Division determine taxi fares. The CSD is authorized to establish maximum rates or a cap for the taxi industry. TNC fares are based on an algorithm which is based on supply and demand of the market.
- Taxi companies do background checks, issue certificates and perform safety check inspections.
- The CSD would not oppose an increase in the maximum rate charged by taxis should a request be made by the taxi industry.

- The Department responds to consumer inquiries or complaints, but is not equipped to investigate fraud or the algorithm used by TNCs.

Bill 35, CD1 was amended to FD1 (OCS2018-0564/6/4/2018 4:17 PM).

AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN – 8.

NOES: ELEFANTE – 1.

Council Rule 19.E relating to 48-hour notice was waived.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, OZAWA, PINE, MARTIN – 9.

NOES: None.

Councilmember Manahan spoke in opposition to Bill 35, CD1, FD1. He stated that the best way to protect the consumer is through up front pricing.

Councilmember Pine thanked Chair Martin for introducing the measure. She spoke in support of Bill 35, CD1, FD1. She expressed concern with the TNC business model and learning that half the cab drivers are out of a job.

Councilmember Ozawa spoke in support of Bill 35, CD1, FD1. He stated that representatives from Uber and Lyft expressed disfavor with Bill 35, CD1, FD1; however, both companies indicated they will continue to operate in the city. He noted that with the sheer volume of rides, the City is unable to determine whether the upfront pricing must be within a certain range or what algorithm typical rides are based on. He expressed disappointment that the Administration could not explain what their procedures would be should the measure move forward, and that TNCs are not willing to support a cap. He stated he is willing to work with both industries, specifically on the issue of the range of upfront pricing. He noted that any discussion on the measure should not be tainted by negativity and racial inferences.

Councilmember Anderson stated that he will be voting with reservations on Bill 35, CD1, FD1. He commended the Budget Chair for his admirable efforts in working on the Bill and agreed that further work needs to be done on the issue. He requested that any further discussion and legislation relating to private transportation company vehicles and drivers be referred to the Transportation Committee. He urged taxi companies to be more open to upfront pricing.

Chair Martin thanked Vice Chair Pine for her kind words and commended the Budget Chair for moving the measure forward. He noted that there have been instances in which bills were referred outside of their subject committee, and consideration would be given to Councilmember Anderson's request regarding the referral of future legislation on the issue.

Committee Report 187 was adopted and Bill 35, CD1, FD1 passed third reading.

AYES: ANDERSON*, FUKUNAGA, KOBAYASHI, OZAWA*, PINE, MARTIN – 6.
NOES: ELEFANTE, MANAHAN, MENOR – 3.

*Councilmembers Anderson and Ozawa voted aye with reservations.

Related communications:

M-299	Early testimony on Bill 35, CD1
M-308	Additional testimony on Bill 35, CD1

FIRST READING

BILL 39 (Parks, Community and Customer Services)

A BILL FOR AN ORDINANCE RELATING TO THE DEPARTMENT OF CUSTOMER SERVICES.

Councilmember Pine moved that Bill 39 pass first reading. Seconded by Councilmember Fukunaga.

There was no public testimony.

Bill 39 passed first reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

FIRST READING

BILL 40 (Transportation)

A BILL FOR AN ORDINANCE RELATING TO THE USE OF KANEOHE BAY DRIVE.

Councilmember Pine moved that Bill 40 pass first reading. Seconded by Councilmember Fukunaga.

The following individual testified:

Captain Robert Towne, Honolulu Police Department (General comment)

Bill 40 passed first reading.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 18-105 – COMMITTEE REPORT 190

RESOLUTION APPROVING THE PROPOSED BUDGET FOR THE HAWAII STATE ASSOCIATION OF COUNTIES FOR THE FISCAL YEAR 2019.

Councilmember Menor moved that Committee Report 190 and Resolution 18-105 be adopted. Seconded by Councilmember Elefante.

There was no public testimony.

Committee Report 190 and Resolution 18-105 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 18-106 – COMMITTEE REPORT 191

RESOLUTION RELATING TO APPOINTMENTS AND NOMINATIONS FOR THE HAWAII STATE ASSOCIATION OF COUNTIES.

Councilmember Menor moved that Committee Report 191 and Resolution 18-106 be adopted. Seconded by Councilmember Elefante.

There was no public testimony.

Committee Report 191 and Resolution 18-106 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 18-111 – COMMITTEE REPORT 192

RESOLUTION TO RETAIN THE LAW OFFICE OF MCCORRISTON MILLER MUKAI MACKINNON LLP TO PROVIDE LEGAL SERVICES AS SPECIAL COUNSEL FOR THE CITY AND COUNTY OF HONOLULU ON BEHALF OF DEFENDANT KEITH KANESHIRO IN A LEGAL ACTION ENTITLED TRACY T. YOSHIMURA ET AL. V. KEITH M. KANESHIRO, INDIVIDUAL AND IN HIS CAPACITY AS THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU ET AL., CIVIL NO. 18- 00038 LEK-KJM.

Councilmember Menor moved that Committee Report 192 and Resolution 18-111 be adopted. Seconded by Councilmember Elefante.

There was no public testimony.

Committee Report 192 and Resolution 18-111 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 18-112 – COMMITTEE REPORT 193

RESOLUTION TO RETAIN THE LAW OFFICE OF CARY T. TANAKA TO PROVIDE LEGAL SERVICES AS SPECIAL COUNSEL FOR THE CITY AND COUNTY OF HONOLULU ON BEHALF OF DEFENDANT KATHERINE KEALOHA IN A LEGAL ACTION ENTITLED TRACY T. YOSHIMURA ET AL. V. KEITH M. KANESHIRO, INDIVIDUAL AND IN HIS CAPACITY AS THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU ET AL., CIVIL NO. 18-00038 LEK-KJM.

Councilmember Menor moved that Committee Report 193 and Resolution 18-112 be adopted. Seconded by Councilmember Elefante.

There was no public testimony.

Committee Report 193 and Resolution 18-112 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 18-107 – COMMITTEE REPORT 203

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM HENAN PROVINCIAL
TOURISM ADMINISTRATION, P. R. CHINA.

Councilmember Ozawa moved that Committee Report 203 and Resolution 18-107 be adopted. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 203 and Resolution 18-107 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.
NOES: None.

ADOPTION

RESOLUTION 18-94, CD1 – COMMITTEE REPORT 200

RESOLUTION APPROVING THE TRANSFER OF FUNDS.

Councilmember Ozawa moved that Committee Report 200 and Resolution 18-94 be adopted, as amended to CD1. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 200 and Resolution 18-94, CD1 as amended were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 18-95, CD1 – COMMITTEE REPORT 201

RESOLUTION RELATING TO THE TRANSFER OF FUNDS.

Councilmember Ozawa moved that Committee Report 201 and Resolution 18-95 be adopted, as amended to CD1. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 201 and Resolution 18-95, CD1 as amended were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 18-103 – COMMITTEE REPORT 202

RESOLUTION RELATING TO THE TRANSFER OF FUNDS.

Councilmember Ozawa moved that Committee Report 202 and Resolution 18-103 be adopted. Seconded by Councilmember Kobayashi.

There was no public testimony.

Committee Report 202 and Resolution 18-103 were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 17-353, CD1 – COMMITTEE REPORT 207

RESOLUTION CONSENTING TO THE REMOVAL OF CONDITION E OF THE SPECIAL MANAGEMENT AREA USE PERMIT GRANTED BY RESOLUTION 16-265, CD1, BY ADMINISTRATIVE ACTION OF THE DEPARTMENT OF PLANNING AND PERMITTING AS A MINOR MODIFICATION.

Councilmember Pine moved that Committee Report 207 and Resolution 17-353 be adopted, as amended to CD1. Seconded by Councilmember Ozawa.

There was no public testimony.

Committee Report 207 and Resolution 17-353, CD1 as amended were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

ADOPTION

RESOLUTION 18-110, CD1 – COMMITTEE REPORT 208

RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW THE INSTALLATION OF AN SO₂ SCRUBBING SYSTEM AND THE REPLACEMENT OF KARBATE GAS COOLERS AT THE ISLAND ENERGY KAPOLEI OIL REFINERY.

Councilmember Pine moved that Committee Report 208 and Resolution 18-110 be adopted, as amended to CD1. Seconded by Councilmember Ozawa.

There was no public testimony.

Committee Report 208 and Resolution 18-110, CD1 as amended were adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

BALANCE OF COMMITTEE REPORTS

ZHCR-205 Bill 15 (2017), CD1 – Relating to Interim Planned
 Development-Permits for Transit-Oriented Development.
 Granting a 120-day extension of time. (Deadline: 6/25/18 +
 120 days)

Councilmember Pine moved that the Balance of Committee Reports, as listed above, be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

The Balance of Committee Reports was adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

APPROVAL

COMMUNICATION D-146

FROM THE DEPARTMENT OF DESIGN AND CONSTRUCTION REQUESTING
CONSIDERATION OF DEED CONVEYING PARK LOT 19711 FOR PUBLIC USE IN EWA
(MEHANA AT KAPOLEI PARK).

Communication D-146 was waived to the Council floor by the Chair of the Public Works, Infrastructure and Sustainability Committee.

Councilmember Pine moved that Communication D-146 be approved. Seconded by Councilmember Fukunaga.

There was no public testimony.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

CC-172 Councilmember Carol Fukunaga

ADOPTION

RESOLUTION 18-104

RESOLUTION ACCEPTING A GIFT TO THE CITY FROM THE FRESH WATER INITIATIVE, HAWAII COMMUNITY FOUNDATION.

Resolution 18-104 was waived to the Council floor by the Chair of the Public Works, Infrastructure and Sustainability Committee.

Councilmember Pine moved that Resolution 18-104 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Resolution 18-104 was adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
 OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

CC-171 Councilmember Carol Fukunaga

ADOPTION
RESOLUTION 18-116

RESOLUTION RELATING TO THE APPOINTMENT OF MEMBERS OF THE PUBLIC TO SERVE ON THE TASK FORCE ON LARGE DETACHED DWELLINGS.

Councilmember Pine moved that Resolution 18-116 be adopted. Seconded by Councilmember Manahan.

There was no public testimony.

Resolution 18-116 was adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.
NOES: None.

Related communications:

CC-179 Council Chair Ernest Martin
CC-180 Councilmember Ann Kobayashi
CC-181 Councilmember Ann Kobayashi
CC-182 Councilmember Carol Fukunaga
CC-183 Councilmember Trevor Ozawa
CC-184 Councilmember Ikaika Anderson
CC-185 Councilmember Brandon Elefante

ADOPTION
RESOLUTION 18-118

RESOLUTION URGING THE LEGISLATURE OF THE STATE OF HAWAII TO RAISE THE MINIMUM WAGE.

Councilmember Pine moved that Resolution 18-118 be adopted. Seconded by Councilmember Fukunaga.

There was no public testimony.

Resolution 18-118 was adopted.

AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
OZAWA, PINE, MARTIN – 9.

NOES: None.

Related communication:

M-309 Additional testimony on Resolution 18-118

COMMITTEE OF THE WHOLE/EXECUTIVE SESSION

There was no Executive Session.

ANNOUNCEMENTS

Councilmember Manahan stated that May was Stroke Awareness Month and on May 13, Mother's Day, he suffered a stroke. He is fine and is thankful and grateful to be here. He did not recognize the symptoms which he had for some time and now plans to advocate and raise awareness for stroke victims. He thanked everyone for their support.

Chair Martin thanked Councilmember Manahan for sharing his experience and stressed to the councilmembers to take care of themselves and their families as they are of primary importance. He thanked Councilmember Manahan for his service and stated that councilmembers stand in strong support of him.

ADJOURNMENT

At 4:47 p.m., Councilmember Pine moved that the Council stand adjourned until Wednesday, July 11, 2018, at 10 a.m., at Kapolei Hale. Seconded by Councilmember Fukunaga and there being no objections from the 9 members present, it was so ordered by the Chair.

Respectfully submitted,

GLEN I. TAKAHASHI
City Clerk

jy/vc

DATE APPROVED:

July 11, 2018